

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 SEEMA KHAN) Case No.: 10-CV-04057-LHK
11 Plaintiff,)
12 v.) ORDER SANCTIONING ATTORNEY
13 WORLD SAVINGS BANK, FSB,) WENDELL J. JONES
14 Defendant.)
15

16 For the reasons set forth below, the Court orders a sanction of \$1,000, to be paid to the
17 Clerk of Court for the United States District Court, Northern District of California, by attorney
18 Wendell J. Jones. This payment is due by April 15, 2011. Mr. Jones must pay this sanction
19 personally, and may not pass it on to his clients. Mr. Jones must report this sanction to the State
20 Bar of California. *See* Bus. & Prof. Code § 6068(o). In addition, this Court will forward a copy of
21 this Order to the State Bar.

22 Mr. Jones has repeatedly failed to respond to deadlines set by the local rules and the orders
23 of this Court. In so doing, Mr. Jones has abandoned his client in the above-captioned case and in
24 another case, *Khan v. World Savings Bank, FSB*, No. 10-cv-04305, also pending before this Court.
25 As outlined in the Order to Show Cause Why Sanctions Should Not Be Imposed, Mr. Jones has
26 failed to respond to numerous deadlines, despite being given repeated notice by this Court that such
27 failure could lead to sanctions:
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1 1. Case No. 10-cv-04057 (the instant case)

2 August 2, 2010: Mr. Jones files a complaint on behalf of Ms. Khan in Santa Clara
3 County Superior Court

4 September 9, 2010: Removal by defendant World Savings Bank, FSB (WSB)

5 September 16, 2010: Motions to Dismiss and Strike filed by WSB

6 October 12, 2010: Due date for Oppositions or Statements of Nonopposition to Motions
7 to Dismiss and Strike - None are filed, in violation of Local Rule 7-3(b)

8 October 28, 2010: Case is reassigned to the undersigned

9 November 2, 2010: Mr. Jones submits a proposed "Consent Order Granting Substitution
10 of Attorney" seeking to substitute Ms. Khan as counsel for herself, without complying
11 with Local Rule 11-5(b), giving notice to Ms. Khan, or providing her with time to
12 employ other counsel13 November 3, 2010: The Court denies Mr. Jones' request to substitute counsel, holding
14 that if he wishes to withdraw, he must move to withdraw, provide notice to Ms. Khan,
15 and provide her with an opportunity to employ other counsel, per Local Rule 11-5(b).
16 In the Order, the Court notes Mr. Jones' failure to respond to the Motion to Dismiss,
17 and notes that such failure can lead to sanctions.

18 November 3, 2010: WSB files Amended Motions to Dismiss and Strike

19 November 18, 2010: The Court orders that Mr. Jones submit an Opposition or
20 Statement of Nonopposition to the Motion to Dismiss by December 13, 2010.21 December 13, 2010: No Opposition or Statement of Nonopposition to the Amended
22 Motion to Dismiss is filed, in violation of Local Rule 7-3(b) and the Court's November
23 18, 2010 Order24 January 6, 2011: No Opposition or Statement of Nonopposition to the Amended Motion
25 to Strike is filed, in violation of Local Rule 7-3(b)26 January 11, 2011: Court issues an Order to Show Cause why Mr. Jones should not be
27 sanctioned for failures to follow local rules. The Order sets a response deadline of
28 February 17, 2011 and a hearing date of March 17, 2011.29 February 17, 2011: Mr. Jones fails to respond to the Court's Order to Show Cause.30 March 17, 2011: Mr. Jones fails to appear in Court for the hearing on the Order to Show
31 Cause.25 2. *Khan v. World Savings Bank, FSB*, No. 10-cv-04305 LHK26 August 18, 2010: Mr. Jones files another complaint in Santa Clara County Superior
27 Court on behalf of Ms. Khan

28 September 23, 2010: Removal by defendant WSB

29 October 4, 2010: Reassigned to the undersigned

October 12, 2010: Motion to Dismiss filed by WSB

December 30, 2010: Due date for Opposition or Statement of Nonopposition to Motion to Dismiss - None is filed, in violation of Local Rule 7-3(b)

January 21, 2011: Court issues an Order to Show Cause why Mr. Jones should not be sanctioned for failures to follow local rules. The Order sets a response deadline of February 17, 2011 and a hearing date of March 17, 2011.

February 17, 2011: Mr. Jones fails to respond to the Court's Order to Show Cause.

March 17, 2011: Mr. Jones fails to appear in Court for the hearing on the Order to Show Cause.

3. *Jones v. PNC Bank, NA*, Case No. 10-01077

February 1, 2010: Mr. Jones files a complaint in Santa Clara County Superior Court on his own behalf

March 12, 2010: Removal by defendant PNC

March 19, 2010: PNC files Motions to Dismiss and Strike

May 4, 2010: Due date for Opposition or Statement of Nonopposition to Motions to Dismiss and Strike- None is filed, in violation of Local Rule 7-3(b)

August 2, 2010: Case is reassigned to the undersigned

August 20, 2010: Court dismisses case, noting Mr. Jones' failure to follow Local Rule 7-3(b)

4. *Huerta v. Ocwen Loan Servicing, Inc.*, No. 09-cv-05822

In a case before Judge Fogel of this district, Mr. Jones fails to file an opposition or statement of nonopposition in response to a Motion to Dismiss, as noted in Judge Fogel's Order of June 16, 2010. *See* Dkt. No. 26. *Huerta v. Ocwen Loan Servicing, Inc.*, No. 09-cv-05822, 2010 U.S. Dist. LEXIS 59750 at *3 (N.D. Cal. June 16, 2010).

The Court notes that in addition to the above actions, Mr. Jones has failed to oppose or file statements of nonopposition in the following matters within this judicial district: *Phillips v. Bank of Am. Corp.*, No. C 10-0400 JF, 2010 U.S. Dist. LEXIS 35131 at *1 (N.D. Cal. Apr. 9, 2010); *Williams v. Wells Fargo Bank, N.A.*, No. C 10-00399 JF, 2010 U.S. Dist. LEXIS 36247 at *1 (N.D. Cal. Apr. 13, 2010); *Mendoza v. CitiMortgage, Inc.*, No. 10-CV-03550-LHK at *1, 2011 U.S. Dist. LEXIS 16769 (N.D. Cal. Feb. 18, 2011); *Periera v. JP Morgan Chase Bank*, No. 10-CV-00648 PVT (N.D. Cal. 2010) (see Dkt. No. 9). Although these other matters are not the basis for the

1 sanctions imposed by the undersigned Judge, the Court notes that Mr. Jones has engaged in a
2 disturbing pattern and practice of failure to follow the Local Rules and to represent his clients.¹

3 **IT IS SO ORDERED.**

4 Dated: March 21, 2011

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LUCY H. KOH
United States District Judge

¹ The website of the Law Offices of Wendell J. Jones states that “we help people in financial distress” and that Mr. Jones’ specific areas of practice include “mortgage law, foreclosure defense, loan modification and bankruptcy.”